

Remarks

Claims 1, 2, 28 and 29 were pending in this application. By this amendment claims 1 and 28 are amended to limit the scope of all claims to tobacco plastids. Support for this amendment can be found throughout the Specification (in particular at paragraphs 0067 and Example 1) and in original Claim 49. This amendment is made to put the claims in condition for allowance. No new matter has been added by this amendment. The Applicants make the above amendments without prejudice and reserve the right to pursue the broader scope claims in a continuation application and/or divisional application. Upon entry of this amendment, claims 1, 2, 28 and 29 will be pending before the Examiner.

112 Rejection - Enablement

Claims 28-29 have been rejected under 35 USC 112, 1st paragraph as being non-enabling for plastid transformation vectors other than vectors for transforming tobacco. This rejection is respectfully deemed moot in view of the above amendment to Claims 1 and 28 limiting these claims to tobacco plastid transformation. In view of the above it is respectfully requested that the present 112, 1st paragraph rejection be withdrawn.

103 Rejection

Claims 1, 2, 28 and 29 have been rejected under 35 USC 103(a) as being unpatentable over McBride *et al.* in view of Mayfield *et al.* and further in view of Christou *et al.* This rejection is respectfully traversed.

The present obviousness rejection cannot be maintained for the following reasons. Applicants agree with the Examiner's view on the McBride *et al.* reference teaching plastid transformation. However, the Applicants disagree with the Examiner's view on the Mayfield *et al.* and the Christou *et al.* references and how they are applied in the present rejection. Mayfield *et al.* teach plastid transformation of the algae *Chlamydomonas*. All of the present claims are limited to the plastid transformation of tobacco. Christou *et al.* does not teach or suggest plastid transformation but rather teaches nuclear transformation of plants with antibody genes employing chloroplast targeting peptides. In view of the present amendment limiting all claims

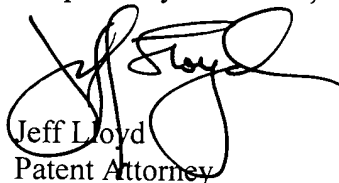
to the transformation of tobacco plastids with Guy's 13 antibody genes the present rejection cannot be maintained because one of ordinary skill in the art would have no expectation of success from combining the general plastid transformation reference (McBride *et al.*) with the algae plastid transformation reference further in view of the nuclear transformation reference (Christou *et al.*). There is nothing in the cited art that would teach one of ordinary skill in the art to expect success upon transforming a **tobacco plastid** with a Guy's 13 antibody gene. For these reasons it is respectfully requested that the present 103 rejection be withdrawn.

Applicants respectfully request reconsideration of the pending claims in view of the above amendments. Applicants believe all claims pending are in condition for allowance, which action is respectfully requested.

The Commissioner is hereby authorized to charge any fees under 37 CFR §§1.16 or 1.17 as required by this paper to Deposit Account No. 19-0065.

Applicants invite the Examiner to call the undersigned if clarification is needed on any of this response, or if the Examiner believes a telephonic interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,



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Attachment: Petition and Fee for Extension of Time